



TERMINAL DISCLAIMER TO OBLIVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

Docket Number (Optional)
Bayer 10,256-HCL

In re Application of: **ALBERS et al.**

Application No.: **09/868,305**

Filed: **20 August 2001**

For: **BIPHENYL AND BIPHENYL-ANALOGOUS COMPOUNDS AS INTEGRIN ANTAGONISTS**

The owner*, **Bayer Aktiengesellschaft**, of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U. S. C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. **6,420,396**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record.

Howard C. Lee

21 May 2003

Signature

Date

05/23/2003 CCHAU1 0000035 141263 09868305

04 FC:18.14 110.00 CH

Howard C. Lee

Typed or printed name

Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION

Docket No.

Bayer 10,256-HCL

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PATENT & TRADEMARK OFFICE

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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2. The undersigned is an attorney of record.

3. Owner/applicant is Small entity Large entity

The terminal disclaimer fee under 37 CFR 1.20(d) is _____ and is to be paid as follows:

A check in the amount of the fee is enclosed.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number **14-1263**. A duplicate copy of this sheet is enclosed.

PTO suggested wording for terminal disclaimer was

unchanged. changed (if changed, an explanation should be supplied.)

Howard C. Lee

Signature

Dated: **21 May 2003**

Name and Address of Person Signing

Howard C. Lee

NORRIS McLAUGHLIN & MARCUS

220 East 42nd Street

30th Floor

New York, New York 10017

(212) 808-0700

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